## REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1, 3-5, 7, 9, 11-13, 21 and 22. Claims 1, 5, 9, 11-13 and 22 are amended herein. Claims 2, 6, 8, 10 and 14-20 remain cancelled, and claims 3 and 4 are cancelled herein without prejudice. No new matter is presented.

Thus, 1, 5, 7, 9, 11-13, 21 and 22 are pending and under consideration. The rejections are traversed below.

## EXAMINER INTERVIEW:

Applicant would like to thank the Examiner for taking the time to conduct an Interview and request that the Examiner contact the undersigned if further clarification is needed prior to acting on the case, to expedite prosecution of the application.

## REJECTION UNDER 35 U.S.C. § 103(a):

Claims 1, 3-5, 7, 9, 11-13, 21 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of the following: U.S. Patent No. 6,278,885 (Hubbe), U.S. Patent Pub. No. 2001/0053688 (Rignell), U.S. Patent No. 6,484,026 (Hägebarth), U.S. Patent No. 4,975,950 (Lentz) and U.S. Patent Pub. No. 2002/0125311 (Ijichi), and U.S. Patent No. 5,418,837 (Johansson).

During the Interview with the Examiner, it was pointed out that the claimed mail is "related to data identified in said request [from the user]" and includes "a computer program" to cause changes contents of the built-in memory and that of the storage medium at the same time.

Based on the discussion during the Interview, independent claim 1 is amended to recite, "**sending a single setting changing mail related to data identified in said request from the user** from said external device to said portable terminal", where "the setting changing **mail includes a computer program** determined to be suitable for the portable terminal based on the data identified and authentication of the user as a subscriber that triggers changes to contents of the built-in memory together with contents of the storage medium of the portable terminal at a time" (emphasis added).

Claim 1 further recites that the changing mail includes, "a setting changing identifier that causes said portable terminal to determine to which memory the computer program should be stored and identifies the setting changing mail such that said portable terminal is configured to execute a different function." Claims 11 and 12 recite similar features.

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Claims 5 and 13 recite, "receiving a single setting changing mail related to data identified in a request of a user from said external device in said portable terminal", where the setting changing mail includes "a computer program determined to be suitable for the portable terminal based on the data identified and authentication of the user as a subscriber that triggers changes to contents of both the built-in memory and the storage medium of the portable terminal." The claimed invention includes, "updating contents of said other storage medium by running the computer program contained in the setting changing mail stored in said built-in memory" when the storage medium is replaced.

Claim 22 recites, "storing a setting mail received from an external device in a built-in memory of the portable telephone connected to a telephone network", where the setting mail is "related to data identified in a request from a user of the portable telephone and [has] a program determined to be suitable for said portable telephone based on said data identified." The claimed method of claim 22 includes, "**triggering simultaneous update to contents** of the built-in memory and a storage medium of the portable telephone "and "updating contents of a new storage medium provided to the portable telephone via the program **without requiring a comparison of contents** stored in the built-in memory with contents of the new storage medium" (emphasis added).

In contrast to the claimed invention, in Hubbe, the processing means (17) executes the commands contained in the short message, which subsequently leads to elimination of the data corresponding to the commands (see, col. 4, lines 35-42). When detecting data has been eliminated by the card (3) from a short message received by the mobile phone, the transfer software means causes the processing means (11) to recover message data still present in the card (3) by transferring image data stored in the memory means (12) of the mobile phone (see, col. 4, lines 47-61). That is, Hubbe is limited to transferring the data *within* the mobile phone and requires a command for updating the subscriber identification card (first memory) and another command for transferring the data to the second memory.

The Examiner also equates the HEADER in Hubbe with the claimed setting changing identifier. However, the HEADER in Hubbe is directed to identifying an address.

Rignell discusses providing support to a mobile communications unit by sending support information to the mobile unit in a form of a SMS or an e-mail. However, the support request in Rignell is limited to a task the user is currently trying to execute based on a representation of an internal state and error code(s), or automatic updates from the support center based on version numbers of modules (see, Abstract, paragraphs 77, 102 and 107).

The Examiner relies on <u>Johansson</u> as teaching the claimed determination of which memory the computer program should be stored. In <u>Johansson</u>, inserting a *specific* software upgrading module (SUM) card (22') into a mobile telephone triggers updating the mobile telephone, where the contents of memory (15) in the mobile telephone are simply updated upon detection of the SUM card (22') (see, col. 2, lines 30-39). That is, <u>Johansson</u> is limited to transferring contents from the SUM card (22') to the mobile telephone.

The Examiner indicates that col. 2, lines 42-57 of <u>Johansson</u> as teaching the claimed determination of which memory the computer program should be stored. The <u>Johansson</u> upgrading of the software is based on insertion of the software upgrading module card where information stored in identification area is referred (see, Fig. 3, step 65). Meaning, step 65 in <u>Johansson</u> is not for determining an activation timing of the setting changing application and the storage unit in which the application should be stored, instead the <u>Johansson</u> process is for determining whether the module is valid for upgrading purposes from the information stored in the identification area.

<u>Hägebarth</u> discusses sending a message to inform a customer of clearance of data on a SIM card after the system deletes the data for a set performance parameter or for changing a performance parameter for which the SIM card (see, col. 3, lines 35-40 and col. 5, lines 4-9).

On the other hand, <u>Lentz</u> only transfers a copy of a computer virus to a new piece of software whenever an infected computer system comes into contact with the software (see, col. 1, lines 21-34) and <u>Ijichi</u> overwrites a new IC card when identification information read out of the new IC card matches identification information received earlier from the center apparatus (see, paragraph 87 and Fig. 1).

On page 3 of the outstanding Office Action, the Examiner states that an update by definition implies a change or different function. Applicants respectfully disagree because the <u>Hubbe</u> update is limited to copying the data from one memory of the mobile phone to another and does not discuss causing a mobile phone to change a function or operation using a single setting changing mail, as taught by the claimed invention.

It is submitted that the independent claims are patentable over each of the cited references.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over the cited references. The dependent claims are also independently patentable. For example, as recited in claim 9, the portable terminal remote

control method where the received computer program is stored "if the setting changing identifier specifying to effect the same set-up change to the ME each time the subscriber identity module card is reinserted into a new ME." The cited references do not teach of suggest these features of claim 9.

Therefore, withdrawal of the rejection is respectfully requested.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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